

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, AUGUST 15, 2005

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Bloomfield, Chatterjee, Kreider, Raser, Senhauser, Spraul-Schmidt, Sullebarger, and Wallace present. Absent: Kirk.

Mr. Kreider swore in all persons who expected to give testimony in any of the day's considerations.

CERTIFICATE OF APPROPRIATENESS, 218 ORCHARD STREET, OVER-THE-RHINE HISTORIC DISTRICT

Staff member Adrienne Cowden presented a report on a Certificate of Appropriateness for the renovation of 218 Orchard Street to include a new roof deck, changes to the fenestration/entrances, and a four-story frame addition. The addition was to be built on the footprint of an earlier three-story porch that had been enclosed in clapboard. The applicant removed the porch without a Certificate of Appropriateness or a building permit, but pre-demolition photographs show the addition was seriously deteriorated.

Ms. Cowden said that the deck was totally out of sight lines from Orchard Street. An existing entrance on the main (south) facade will be changed to a window and a new door cut in the east (former party) wall. She indicated that staff had reservations about the removal of the second entrance, but that the interior floor plan and inconsistencies in trim and details suggested this door may be a later alteration.

Ms. Cowden indicated that the new addition would be no more visible from the public right-of-way than the original porch. She stated it was proportionate to the building and exhibited a simple, straight-forward design. Staff recommended approval of the plan as presented. The adjoining property owner to the west, William Slone objected to the design and formally requested that the Board review the application. Ms. Cowden said that only the owner, Anthony Gulden, and Jim Moll attended the pre-hearing meeting.

In addressing the Board, Mr. Gulden stated that he agreed with staff's assessment that his proposal met the guidelines and that further alterations would be cost prohibitive. He indicated he had shown the design to his neighbors and area architects who had no objection to the proposal. He had met with Mr. Slone on several occasions as recently as Saturday (August 13, 2005), but could not agree to the changes suggested. In response to Mr. Kreider, Mr. Gulden said that he presently had no plans for the vacant lots he owns to the east.

Mr. Slone stated that while he fully supported all other aspects of the project, he argued that the addition did not meet the historic district guidelines in size or scale and that it was not sympathetic to either the building or adjacent structures in the neighborhood. Further, he said that the new addition would block natural light from the alley he shares with the applicant. He said that the design that he included with his objection letter (and included in the staff report) was only to illustrate that alternatives were available. He circulated a letter signed by several neighbors indicating their interest in the project. Ms. Sullebarger said that she appreciated Mr. Slone's concerns, but believed that both options offered would be acceptable.

BOARD ACTION

The Board voted unanimously (motion by Sullebarger, Spraul-Schmidt second) and took the following actions:

1. Approved a Certificate of Appropriateness for the demolition of the historic addition based on the substantially deteriorated condition of the element, as shown in the pre-demolition photographs.
2. Approved a Certificate of Appropriateness for the proposed renovation as presented, finding that the work met the Over-the-Rhine Historic Conservation Guidelines.

CERTIFICATE OF APPROPRIATENESS & ZONING VARIANCE, 2957 ANNWOOD AVENUE, EAST WALNUT HILLS HISTORIC DISTRICT

Ms. Cowden presented a report on a Certificate of Appropriateness and Zoning Variance for a height of a new garage to be built on the site of an existing garage at 2957 Annwood Avenue. At its June 13, 2005 meeting, the Board approved the demolition of the existing garage as a non-contributing resource and the construction of an in-ground pool, trellis and other landscaping on the site. At the same meeting, the Board denied a Certificate of Appropriateness and Zoning Variances for a combined pool house/garage and a wood fence enclosing the rear yard.

The applicant is returning with a revised fence and landscaping design and separate structures for the garage and the pool house. Ms. Cowden said that the applicant, her architects and abutting property owners, Peter and Dianne Marcus (2950 Wold Avenue), attended the pre-hearing. She circulated two recent letters from neighbors received too late to be included in the staff report.

The new plan now incorporates a new garage at the north side of the rear yard and a separate pool house south of the pool to replace the trellis. Each structure has a footprint of less than 800 square feet. Although the height of the garage has been reduced, it still exceeds the maximum height allowable for an accessory building, so it requires a zoning variance. Both buildings are compatible in materials and scale to the main house. Ms. Cowden said that the pool house would not include a kitchen, so it could not be used as a residence.

The rear yard landscaping has been modified, but is similar in planting type to the approved design. Ms. Cowden said that the new fence is a traditional six-foot high, black, metal picket of a type found throughout the historic district. It is largely transparent and responds to the Board's and neighbors' objection to the solid privacy fence at the earlier hearing. Plantings increased along the rear property line compensate for the loss of the solid fence.

Although staff believes the design and materials of the proposed accessory buildings are compatible with the site and neighboring buildings, there is concern that an additional building disrupts the openness of the yard and detracts from the park-like setting referenced in the guidelines. Furthermore, multiple outbuildings are rare in the district and usually occur on larger lots. Staff feels the previous design with a single structure and transparent trellis is more appropriate to the district's historic building patterns and this specific property. Ms. Cowden confirmed for Mr. Senhauser that staff's objection is to the location of the pool house only and not its design.

Ms. Cowden recommended that the Board approve the proposed garage and the associated Zoning Variance for its height, but deny a Certificate of Appropriateness for the separate pool house. She said that the applicant has demonstrated that the footprint of the garage can be reduced to avoid the need for a Zoning Variance for the area, but that the smaller footprint could not accommodate the pool equipment and a full first floor bathroom. Ms. Cowden suggested that the most recent design for the garage could be modified to accommodate a shower and a pool equipment area, with a modest increase in area. In that circumstance, variances for height and area may be warranted in order to better meet the guidelines, reflect historic district development patterns and to contain the pool equipment indoors.

The owner, Catherine Cantey, said she preferred the original submission that combined the garage and pool house in a single structure. She acknowledged that she would lose open space and project costs would escalate, but believed that the new scheme was the only way that all the rear yard functions could be accommodated within the zoning code. Mr. Senhauser responded that the Board had no objection to the proposed uses, but was concerned for the size and visual weight of the original design. Mr. Kreider suggested that pool security might justify the six-foot height of the fence.

Project architect, Steven Kenat said he attempted to redesign the original garage to conform to the 800 square foot maximum area, but was unable to incorporate all the required functions. In order to reduce the height of the building, he had to slope the second floor ceiling, so could not install a full shower. There was insufficient room on the first floor for either a shower or the pool equipment, so these were removed to a separate pool house structure. He estimated that an additional 200 square feet would be required - for a footprint equivalent in area to the original design. In answer to Mr. Raser, Mr. Kenat said that it might be possible to locate some of the pool equipment below grade, but that air circulation would be a problem. He said that the piping for the pool has been installed with a "T" and could be extended either north toward the garage or south to the pool house.

Mary Ann Lee, President of the East Walnut Hills Assembly, indicated that the Assembly has taken no formal position on the project.

Dianne Marcus (2950 Wold Avenue) circulated and read from a booklet outlining her concerns as the owner of the adjoining property to the west. She argued that the back yard of the Cantey property is too small to accommodate such a project and the light and noise associated with it. She said it was not in the long-term interest of the neighborhood to approve the scheme. Ms. Marcus objected to the height of the fence and its location on the property line; she said the materials for the garage roof do not meet the guidelines and that the project threatened mature trees on her property. Ms. Cowden confirmed for Ms. Sullebarger that the historic district guidelines state that building materials for new construction should be compatible with neighborhood buildings but need not replicate them.

Ms. Marcus recommended that the Board form a committee to review the project on site and said the Board had created the problem of the pool equipment by approving the pool piecemeal. Mr. Bloomfield and Mr. Kreider indicated their willingness to serve on such a committee. Mr. Senhauser responded that a committee was unnecessary in this instance since the Board had heard extensive testimony and had sufficient information to give direction to the applicant.

Karen Blocher (2929 Annwood Avenue) said she preferred the original fence design, which provided access to the north wall of her garage and allowed for the view from her family room. Mr. Kreider suggested that since the garage was only six inches from the property line, it may not be necessary to fence that portion of the lot. Ms. Cantey responded that the site plan could be modified to accommodate the Blocher's view and that the issue of access could be worked out.

On request of the Board, Fred Bowling of Vivian Llambi & Associates, landscape architects for the project, briefly described the proposed planting scheme for dense plantings along the western property line and decorative trees within the yard. He said that from the beginning of construction on the pool, every effort has been made to protect the mature growth on the site. He said the applicant has allowed Ms. Marcus access to root feed the trees on their shared property line, but that a sugar maple seems to be blighted and portions of its top are dead and dying, unrelated to construction.

Mr. Senhauser asked for clarification on the type of pool equipment required and suggested that it and a first floor shower could be contained within less than the 200 square feet as estimated. He and Mr. Kreider agreed that they are less concerned about the height of the building. Mr. Kreider suggested the height of the fence might be reduced to four feet. Mr. Bloomfield said that an owner has the right to use his property within the law, but was not necessarily entitled to a compound on this tight lot. He indicated that a single building was preferable. After some discussion, the Board concurred with Ms. Spraul-Schmidt's suggestion that a revised garage/pool house with 900 square foot footprint might be appropriate.

BOARD ACTION

The Board voted unanimously (motion by Chatterjee, Raser second) to table the application in order to give the applicant the opportunity to make minor changes to the garage in order to accommodate the pool house, garage, shower room and pool equipment within in a single structure with a targeted foot print of not more than 900 square feet.

SULLEBARGER, CHATTERJEE AND RASER LEFT THE MEETING

CERTIFICATE OF APPROPRIATENESS, HILLSIDE AND ZONING VARIANCES FOR 427 & 431 MILTON STREET PROSPECT HILL HISTORIC DISTRICT

Staff member Caroline Kellam presented an application for a Certificate of Appropriateness and zoning variances to construct a new single-family house at 431 Milton Street. The application was tabled at the Board's August 1, 2005 meeting in order to give the applicant an opportunity to rework the original design to reduce the height of the north elevation to better conform to the limits within the hillside district and to produce streetscape drawings and sightline diagrams of Milton Street.

The house will be built at the corner of Milton and Cumber Streets on a vacant lot once occupied by a three-story brick building. The new construction will require zoning variances for the front, rear and side yard setbacks as well as variances for its height. An existing off-street parking space on 431 Milton will be relocated to 427 Milton; it will require a zoning variance to be constructed within the front yard setback.

Ms. Kellam briefly described the modifications to the original plan referring to elevations of buildings on the south side of Milton Street and a section drawing illustrating view lines from the north side of the street. She indicated that the house is substantially unchanged from the original proposal, except the height of the north façade has been reduced four feet to 35 feet to meet the zoning code.

Project developer Doug Spitz was present to answer questions from the Board. He indicated that the view section had been drawn with a north elevation of the new house at 36 feet. Although it would be possible to reduce the height to 35 feet, Mr. Spitz said that this creates overhead clearance problems in the garages and other awkward accommodations in the house. He asked that the Board grant a height variance to allow a 36 foot high north wall to alleviate these difficulties. He said that the additional one foot in height would alter the view angle by less than half a degree. Mr. Spitz confirmed that the house is being built for a client, not on speculation.

Ms. Christine Boehr owner of 426 Milton Street objected that the view section provided did not accurately portray her residence and that her view was still obstructed by the new house. She presented additional photos showing views from her property. The Board agreed that her downhill view would be disrupted by any new construction on that site, but that the developer had sufficiently reduced its affect.

BOARD ACTION

The Board voted unanimously (motion by Spraul-Schmidt, second by Bloomfield) to take the following actions:

1. Approve a Certificate of Appropriateness for the construction of a single-family residence at 431 Milton Street with the following conditions:
 - a) All exposed foundations along the right of way be a stone veneer or brushed concrete.
 - b) All deck railings be of thin, painted steel
 - c) If the applicant is unable to install sash windows with exterior mullion, windows shall be 1/1 sash units
 - d) Provide and maintain plantings along the west property line to screen the new parking pad at 427 Milton Street
 - e) Final plans and specifications be submitted for review and approval by the Urban Conservator prior to construction
2. Grant the zoning variances required for the construction of a new single-family residence at 431 Milton Street in the hillside overlay district, to allow the following:
 - a) Front yard setback at 7'-0"
 - b) Side yard setback at 5'-0"
 - c) Rear yard setback at 0'-11"
 - d) Height at front at 36'-0"
 - e) Height at rear at 45'-0"

finding that such relief from the literal implication of the Cincinnati Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district.

3. Approve a Certificate of Appropriateness and grant a zoning variance to allow the construction of a new parking pad at 427 Milton Street within the front yard setback on the condition that final plans and specifications be submitted for review and approval by the Urban Conservator prior to construction

ADJOURN

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date: _____